United Nations A/68/PV.33

General Assembly
Sixty-eighth session

Official Records

33rd plenary meeting
Monday, 14 October 2013, 10 a.m.
New York

President: Mr. Ashe ..... (Antigua and Barbuda)

The meeting was called to order at 10 a.m.

Agenda items 73, 74 and 130

Report of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

Note by the Secretary-General transmitting the eighteenth annual report of the International Criminal Tribunal (A/68/270)

Report of the international Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

Note by the Secretary-General transmitting the twentieth annual report of the International Tribunal (A/68/255)

International Residual Mechanism for Criminal Tribunals

Note by the Secretary-General transmitting the first annual report of the International Residual Mechanism for Criminal Tribunals (A/68/219)

The President: I now give the floor to Judge Vagn Joensen, President of the International Criminal Tribunal for Rwanda.

Judge Joensen (International Criminal Tribunal for Rwanda): I would like to begin by extending my sincere congratulations to His Excellency Mr. John W. Ashe of Antigua and Barbuda on his election as President of the Assembly. I wish you, Sir, a successful period in office.

This is the second time that I address the General Assembly in my capacity as President of the International Criminal Tribunal for Rwanda (ICTR). It remains an immense honour for me to have this opportunity to speak to the members of the General Assembly, and it is my pleasure to present to the Assembly the eighteenth annual report of the ICTR (A/68/270). I remain confident that there will be only two more annual reports delivered by the President of the ICTR after the present one, as we have once again continued to make significant progress towards the completion of our mandate and the transition to the International Residual Mechanism for Criminal Tribunals.

During the reporting period, from 1 July 2012 to 30 June 2013, the Tribunal issued its last judgement concerning one person at the trial level. As expected, the notice of appeal from the final ICTR trial judgement, in the *Ngirabatware* case, has been filed with and will be handled by the Mechanism, making it the first appeal against a judgement in a case before the ICTR or the International Criminal Tribunal for the Former Yugoslavia to be handled by the Mechanism. With this,

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room U-506. Corrections will be issued after the end of the session in a consolidated corrigendum.

13-51141 (E)

Accessible document Please recycle

the Tribunal has now completed its work at the trial level with respect to all of the 93 accused. That includes 55 first-instance judgements involving 75 accused, the transfer of the files of the three top-level fugitives to the Mechanism for trial, 10 referrals of accused in custody and fugitives to national jurisdictions, two withdrawn indictments and three indictees who died prior to or in the course of the trial.

I turn now to appeals. During the reporting period, the Appeals Chamber rendered judgements in the *Gatete*, *Mugenzi* and *Mugiraneza* cases, in line with projections. To date, the appellate proceedings have been concluded in respect of 46 persons, with the final six appeals, involving 15 persons, currently pending. The remaining appeals work is on schedule for completion before the end of 2014 with the exception of one case, *Butare*, which involves six accused and which will have its oral arguments in 2014, there remaining only the deliberations and the judgement drafting to be completed in 2015.

The Registrar and I continue to oversee the administrative functions of the Chambers' monitoring of the *Uwinkindi* trial in Rwanda and will do so until the end of 2013, in close coordination with the Mechanism.

During this reporting period, the Appeals Chamber also rendered a final decision upholding the Trial Chamber's referral of the *Munyagishari* case to Rwanda. All responsibilities for the monitoring of the *Munyagishari* case in Rwanda have already become the responsibility of the Mechanism, save for the fact that the ICTR is still providing interim monitors from the Registry, who are now working closely with the Mechanism staff as interim monitors while monitoring arrangements with an organization are finalized. The seamless transfer of the monitoring of referred cases is a prime example of the smooth transition under way.

In December 2012, the Security Council adopted resolution 2080 (2012), which extended the terms of the ICTR Appeals Chamber judges to enable them to complete their work. I would like to extend my sincere gratitude both to the Council for that decision and to the judges in the Appeals Chamber for continuing to work tirelessly to complete the Tribunal's work under extremely tight deadlines and making every effort to meet the completion dates set forth in resolution 1966 (2010) while ensuring that the rights of the accused are not compromised.

In that respect, the ICTR will sorely miss the knowledge and experience of Judge Andrésia Vaz of Senegal, who resigned from her position as appeals judge on 31 May 2013. At the time of her resignation, Judge Vaz was sitting on 10 appeals cases, and accordingly her departure put additional pressure on an already strained Appeals Chamber. In order to mitigate any detrimental effect on the completion of appeals work that would come with the loss of such an esteemed and hard-working judge, I requested that, in accordance with article 12 bis of the statute of the Tribunal, the Secretary-General appoint a replacement judge to serve the remainder of Judge Vaz's term. I am pleased to report that the Secretary-General has appointed Mr. Mandiaye Niang of Senegal as a permanent judge of the ICTR to replace Judge Vaz. That appointment is most welcome, and we are confident that Judge Niang's previous Tribunal experience will play a crucial role in his ability to contribute to the remaining appeals work without delay.

During the reporting period, the Secretary-General also took action to appoint a new Registrar of the ICTR, replacing Mr. Adama Dieng, who left the ICTR in 2012 to become the Special Adviser to the Secretary-General on the Prevention of Genocide. I would like to take this opportunity to congratulate the new Registrar of the ICTR, Mr. Bongani Majola, whose appointment took effect from 1 January 2013. I must praise Mr. Majola for the extreme dedication he has shown in his role of representing the Secretary-General at the Tribunal at this difficult time in our mandate, and I thank him for all the hard work that he has undertaken in the short time since he took office.

I would also like to express my sincere gratitude to the Office of the Registrar, as well as to the Offices of the Mechanism President and Registrar, for the excellent cooperation that exists between our offices, which has led to the continued smooth transition of functions from the ICTR to the Mechanism.

I would next like to take this opportunity to commend the entire staff of the ICTR, as the significant progress we have made towards the completion of our mandate and transition to the Mechanism would not have been possible without their tireless efforts. I want also to thank in particular the Registry for the important achievements registered through its organization and oversight of the preparation of records for archiving and handover to the Mechanism. In that regard, I would like to inform the Assembly that last month the ICTR

handed over to the Mechanism two temporary archives facilities, which represent another important step in the archives- and records-transfer process. I especially thank all of the archives staff from the Tribunals and the Mechanism and commend them for the tireless work they have carried out with distinction.

I must also take this opportunity to commend the ICTR and Mechanism Prosecutor, Mr. Hassan Bubacar Jallow, for the tremendous efforts his Office has made to complete the ongoing appeals, monitor the cases referred to national jurisdictions and facilitate the transfer of cases, archives and records to the Mechanism. The tracking, arrest and trial of the three top-level fugitives — Félicien Kabuga, Protais Mpiranya and Augustin Bizimana — remain at the core of the Prosecutor's work in his role in the Mechanism, along with his continued assistance to the Rwandan authorities in locating and apprehending the six fugitives whose cases have been referred to Rwanda for trial.

The Office of the Prosecutor has also made substantial progress in the preparation of the Prosecution's evidentiary holding and records for archiving pending transfer to the Mechanism during the reporting period. The transfer of the entirety of the archives of the Office of the Prosecutor is expected to be finished upon the completion of all appeals and related litigation before the Tribunal. The Office of the Prosecutor has also been exemplary in its work on a number of projects that will be important in shaping the legacy of the Tribunal. Finally, I would like to congratulate the Prosecutor on the special achievement award that the Office received in September from the International Association of Prosecutors for the significant and important work that the Prosecution has done in its fight against impunity and for taking the initiative to establish a manual of best practices on the tracking and arrest of fugitives from international criminal justice that can be used by national and international prosecutors around the world.

I now return to an important issue that the ICTR has continued to raise in both the General Assembly and the Security Council for some years: that of relocating acquitted persons and those released after serving their sentences in the United Republic of Tanzania. The Registrar and I continue to work closely, engaging in extensive diplomatic efforts towards relocation, but this issue continues to be a daunting challenge, as there have thus far been almost no positive developments, even following recent Security Council resolutions 2029 (2011), 2054 (2012) and 2080 (2012), in which the Council reiterates its call to Member States that are in a position to do so to cooperate with the Tribunal.

Towards that end, on 30 May 2013, the Tribunal submitted a strategic plan for the relocation of acquitted and released persons to the Security Council Informal Working Group on International Tribunals. The plan provides for an overall framework, in which sustainable efforts will be deployed by the Tribunal, and for strategic options to be implemented on an ongoing basis. The Registrar and I remain committed to undertaking all possible efforts to find a solution to this problem, and we remain deeply concerned about the consequences of failure. In that respect, we have both redoubled our efforts in the past months, and I hereby reiterate the urgent call for increased cooperation from Member States with respect to the Tribunal's efforts to relocate these persons.

The year 2014 will mark the passage of 20 years since the genocide in Rwanda and the subsequent creation of the Tribunal later that year. As we near that important milestone, it seems like an appropriate moment to consider again the impact that international judicial institutions have had, not only on the evolution of international criminal law but also on judicial progress in domestic jurisdictions. In fact, one of the more tangible impacts that the ICTR has had is evinced by the considerable steps taken by Rwanda to comply with international fair-trial requirements for trials of cases referred by the ICTR and national jurisdictions. Those steps, which included the abolition of life imprisonment in isolation with respect to any case transferred from another jurisdiction and the creation of a witness protection unit under the authority of the Rwandan judiciary, demonstrate how international judicial institutions act as a guide in ever-increasing domestic efforts with respect to international crimes. Rwanda's dedication to meeting international standards is one reason that it stands as an example, which is already beginning to be followed by others.

However, prosecution alone cannot maintain peace or achieve reconciliation. In that respect, we must also emphasize the importance of the outreach efforts, including training programmes, professional workshops, visiting professional programmes and partnerships with higher learning institutions, that the Tribunal has instituted throughout its existence to ensure that affected communities, along with the

international community, understand the ramifications of the genocide and the lessons we have learned in our battle against impunity.

The legacy that will be left behind by the ICTR is still being written. The ICTR legacy committee, in coordinating ICTR efforts and engaging in inter-Tribunal efforts, continues to work vigorously to preserve our records and ensure ease of access to them for posterity. In that respect, the legacy committee is currently making arrangements to establish an ICTR legacy website, which will provide access to an even larger database of ICTR judicial decisions and case law as well as to the non-judicial legacy, including the speeches and papers presented by Tribunal officials over the years. Furthermore, the legacy committee is in the process of planning events to commemorate the twentieth anniversary of the genocide in Rwanda and the establishment of the Tribunal, to which we hope Member States will lend their support.

It remains my honour to address the Assembly. Once more, on behalf of the entire Tribunal, I wish to express our gratitude for the support members' Governments have shown over the past 19 years. As we complete the transition to the Mechanism and move ever closer to the completion of our mandate, I must once more call upon the assistance of Member States to find practical solutions to the problems that I have discussed here today.

I am humbled to be part of the rich legacy of the Tribunal, and I remain ever encouraged by the direction that international justice has taken in the two decades since the inception of the ad hoc Tribunals. I have full confidence that, through the efforts of the international community and with the support of Member States, the ICTR commitment to the sentiment that flagrant violations of international criminal and humanitarian law should never again go unpunished will continue to evolve in a meaningful way, leading to the eventual realization of our goal: an end to impunity.

The President: I now give the floor to Judge Theodor Meron, President of the International Tribunal for the Former Yugoslavia.

Judge Meron (International Criminal Tribunal for the Former Yugoslavia): It is an honour for me to appear before the General Assembly — and to do so under the presidency of Antigua and Barbuda — in my dual capacity as President of the International Criminal Tribunal for the Former Yugoslavia and as President of the International Residual Mechanism for Criminal Tribunals. I congratulate you very warmly, Mr. President, on your country's assumption of the presidency and wish you the very best as you assume the responsibilities that come with that role.

Today, I am pleased to present both the twentieth annual report of the International Criminal Tribunal for the Former Yugoslavia (A/68/255) and the first annual report of the International Residual Mechanism for Criminal Tribunals (A/68/219), which is the successor institution to both the International Criminal Tribunal for Rwanda and the International Criminal Tribunal for the Former Yugoslavia (ICTY). I would like to underscore my gratitude to all the stakeholders who have assisted with the work of the ICTY and the Mechanism, including the very smooth transition process. That includes, of course, President Joensen of the International Criminal Tribunal for Rwanda (ICTR), Prosecutor Brammertz of the ICTY, Prosecutor Jallow of the Mechanism and Registrar Hocking, who is the Registrar of both the ICTY and the Mechanism.

Allow me to begin with a brief overview of the continued work of the ICTY in the fulfilment of its completion strategy.

Since my most recent annual report to the Assembly (see A/67/PV.24), the Tribunal has continued its focus on completing proceedings as soon as possible, and it has rendered more judgements in the year ending 1 August 2013 than in almost any previous reporting period. More specifically, the Tribunal rendered five trial judgements, three judgements on appeal, a judgement on appeal from an acquittal pursuant to rule 98 bis of the rules of procedure and evidence of the tribunal and four judgements in contempt cases.

Currently, the ICTY has four cases at trial and seven cases pending on appeal from judgement. I note that the Appeal Judges of the ICTY are also Appeal Judges of the International Criminal Tribunal for Rwanda, and in that capacity have an additional six cases presently on appeal from judgement before them, as my dear friend and colleague President Joensen informed the Assembly a few moments ago.

With respect to the ongoing ICTY trials, our current estimates foresee two trials, in the *Karadžić* and *Hadžić* cases, being completed in 2015 and one trial, in the *Mladić* case, concluding in mid-2016. In the *Šešelj* case, which was previously expected in October 2013, the defendant filed an application for disqualification

of one of the judges in his trial. A panel of judges that was appointed to consider the application upheld that application by majority. Further decisions in that case are forthcoming, and I hope to provide more details in my November report to the Security Council.

Any appeals from judgement in the four trials just discussed will come under the jurisdiction of the International Residual Mechanism for Criminal Tribunals rather than of the ICTY, in accordance with Security Council resolution 1966 (2010).

Turning to the ICTY's seven appeals, it is currently anticipated that appellate work on all but one case should be completed by early 2015. Appeal judgements in the *Đorđević* case and in the multi-accused *Šainović* case are expected by the end of this year, and another four appeal judgements are expected by early 2015. The one remaining appeals case, that of *Prlić et alia*, involves six accused and is not forecast to be completed until mid-2017.

Although the completion of the ICTY's remaining judicial work and the ultimate closure of the Tribunal are still some time away, the Tribunal continues to take steps to effect the institution's orderly and efficient closure. Among other measures, the Tribunal has developed a consolidated, comprehensive plan to facilitate the completion strategy of the Tribunal and the transfer of relevant responsibilities to the International Residual Mechanism for Criminal Tribunals. The guiding principle is that as judicial activity is completed, staff will be downsized, facilities will be released and physical assets disposed of. Those progressive steps will ensure that the Tribunal's closure is effected as quickly as possible while not impacting its substantive responsibilities or its ability to complete its mandate. Of course, all those steps will be undertaken while complying with the fundamental principles of due process and fairness.

Staff morale is inevitably affected in a downsizing institution, and the Tribunal, to my great regret, is no exception. I recall that the Tribunal's modest past proposals for a retention bonus in the form of a small termination indemnity have not met with success. That fact, together with the Tribunal's ongoing downsizing and the knowledge that many of our talented staff members may not all be able to find comparable jobs upon leaving the Tribunal, make maintaining morale all the more difficult.

Despite those challenges, the other principals of the Tribunal and I are focused on using all the tools at our disposal to sustain the morale of the Tribunal's staff. I remain, as ever, tremendously grateful that despite the many challenges they face, staff members continue to carry out their responsibilities with dedication and care, making it possible for the ICTY to fulfil the mandate with which it has been entrusted.

I would now like to turn to the progress of the International Residual Mechanism for Criminal Tribunals, often referred to simply as the Mechanism.

The Mechanism began its work with the opening of the Arusha branch on 1 July 2012, and reached another milestone with the opening of The Hague branch on 1 July 2013. The Mechanism now has a presence on two continents, including offices in the United Republic of Tanzania and the Netherlands and a satellite office in the Republic of Rwanda. Our small core group of staff includes nationals of more than 30 countries.

With regard to judicial work, the Mechanism is seized of one appeal from an ICTR trial judgement in the *Ngirabatware* case. As already indicated, the Mechanism will hear any appeals that may be filed in the four cases still in their trial phase at the ICTY. Additional judicial matters — including requests to vary the protective measures granted to certain witnesses, proceedings related to alleged contempt of court and applications for early release — have also come before the Mechanism and have been addressed. I also note that the Mechanism would conduct the trials of three of the nine individuals who have been indicted by the ICTR but who, to this day, have not been arrested.

It was thanks to the dedication and cooperation of Member States that the ICTY was able to account for all 161 of those individuals whom it indicted — an extraordinary achievement. It is vital for the cause of international justice that we ensure a similar result for those indicted by the ICTR. I therefore call upon all Member States to take steps to ensure that the remaining fugitives — whether they are among the three to be tried by the Mechanism or are one of the six individuals whose cases have been referred to Rwanda for trial — are at last arrested and brought to trial.

In addition, in accordance with the transitional arrangements set out in annex II to Security Council resolution 1966 (2010), the responsibility for a number of essential functions has transitioned from the ICTR and the ICTY to the Mechanism. Those functions range

from ensuring the protection and support of victims and witnesses to providing assistance to national jurisdictions, and from enforcing the sentences of those convicted by the two Tribunals to managing the archives of both the ICTR and the ICTY.

In carrying out those and other functions, and in establishing itself as an institution more generally, the Mechanism has benefited greatly not only from the dedication and efforts of its own staff, but also from the talents and expertise of the many ICTR and ICTY colleagues who, whether officially double-hatted or not, have taken on extra work and new responsibilities in support of the Mechanism. I am tremendously appreciative of all that they have done and continue to do.

As we move ahead into the second year of the Mechanism's operations, my colleagues and I will continue to seek to ensure that the Mechanism can serve as a model for international criminal justice and for United Nations institutions generally, including by adopting best practices from both the ICTR and the ICTY and then building and improving upon them. At the same time, we remain ever mindful that the Mechanism was created to be a temporary institution and that our responsibilities will diminish over time. Even as we establish our processes and systems and make decisions about our infrastructure and staffing, therefore, we are continually focused of how to accomplish our mandate most efficiently, while remaining as fair and effective as possible.

Before concluding, I wish to note that earlier this year the ICTY marked an important milestone: the passage of 20 years since the Tribunal's establishment by Security Council resolution 827 (1993), on 25 May 1993. In 1993 few were sure about how the Tribunal would take shape or what it would be able to accomplish. Today, I am very happy to report that the ideal embodied in resolution 827 (1993) — of the world in which accountability is the firm expectation, and not the exception — has become a reality.

Even as the ICTY moves to complete its remaining work, we may rest assured that the Tribunal will leave behind it a world transformed, a world in which — thanks to the new Mechanism and to the commitment and perseverance of members of the international community on matters of international justice — expectations of principled accountability for those who stand accused of atrocities will remain the norm, and the rule of law will continue to prevail. Because all that has been accomplished would not have been possible without the continued support of the States Members of the United Nations, that is, in a very real way, not just the legacy of the ICTY but the legacy of the international community as well.

Ms. Carayanides (Australia): I have the honour today to speak on behalf of Canada, New Zealand and Australia (CANZ).

CANZ reaffirms our strong support for the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) and for the International Residual Mechanism for Criminal Tribunals.

May 2013 marked the twentieth anniversary of the establishment of the ICTY, while the ICTR will reach that milestone next year. During that time, both Tribunals have played a major role in the development of international criminal justice and have made a lasting contribution to the international community's goal of holding perpetrators of serious international crimes to account. The Tribunals have achieved that both directly, through their jurisprudence, and through their significant and ongoing contributions to the building of national judicial capacities. Over that historic period, all 161 persons indicted by the ICTY have been accounted for. The ICTR has delivered its final trial judgement in relation to all those indictees apprehended to date.

The Residual Mechanism opened its branch in The Hague in July, following the opening of its Arusha branch in July 2012. That ensures that key work relating to the trial of any captured fugitives, the enforcement of sentences, the protection of witnesses and the maintenance of the Tribunals' archives will continue beyond the completion of the Tribunals' mandates.

With those significant accomplishments, both Tribunals are moving closer towards the completion of their mandates. However, they still have important work ahead of them.

The trials of Goran Hadžić, Radovan Karadžić and Ratko Mladić continue before the ICTY. The trial and appeal phases of those three very significant trials represent an enormous amount of work. We commend the ICTY on introducing measures to ensure that its processes are as efficient as possible, while respecting in full the rights of the defendants.

The ICTR efforts continue on the pressing matter of relocating acquitted and released persons. We

commend the efforts that the ICTR has made to relocate those individuals, including the development of a strategic plan to address the issue, and we urge Member States to provide the necessary support to the ICTR in that regard. We also urge Member States to ensure that the nine fugitives indicted by the ICTR for their involvement in the 1994 genocide are apprehended and brought to justice as soon as possible.

The ongoing support and cooperation of the international community for both Tribunals and the Residual Mechanism are essential to ensuring that they are able to meet those challenges. We therefore call on Member States to ensure that the Tribunals and the Residual Mechanism are adequately staffed and resourced in order to achieve the goals set out in the Security Council resolutions that established them and, very important, to ensure their lasting legacies.

For our part, Australia, New Zealand and Canada will continue to offer full support and cooperation to the Tribunals and the Residual Mechanism to give practical effect to our collective commitment to international criminal justice. In that regard, we thank Judge Joensen and Judge Meron for their important briefings this morning and for their continued service to the achievement of the Tribunals' goals. We are indebted to them both.

Mrs. Mørch Smith (Norway): I have the honour to make this statement on behalf of the Nordic countries, namely, Denmark, Finland, Iceland, Sweden and my own country, Norway.

After almost 20 years of effective operation as ad hoc international criminal tribunals, the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) are now in the process of completing their tasks. At the ICTY, all 161 indicted persons have been accounted for. The ICTY has concluded proceedings against 136 of the 161 persons indicted, and there are no outstanding indictments for violations of core statutory crimes. Similarly, the ICTR has completed all cases at the trial level and has made significant progress at the appeals level. Several cases have been referred for proceedings in Rwanda. The International Residual Mechanism for Criminal Tribunals has been established to finalize the remaining cases and judicial tasks of both Tribunals, with branches in Arusha and The Hague, respectively.

Those are significant achievements that move the ad hoc Tribunals closer to their ultimate goal of mandate completion. We commend both Tribunals for having made substantial efforts in successfully dealing with their caseloads despite various challenges. Trials and proceedings have been conducted under high standards of rule of law, and valuable contributions to the development of international criminal law have been made. It is important to recall, however, that both Tribunals are still functioning and are in need of continued support from the international community.

The remaining cases at the ICTY entail a substantial workload for the Tribunal's staff. Despite resolutions by the Security Council and the General Assembly on the issue of staff retention at the Tribunal, staff shortages remain a serious challenge, and that is affecting the pace of the Tribunal's continuing trials and appeals. We would also like to point to the ongoing work of ICTY investigators in locating mass graves in the region. Those efforts are crucial to ensure closure for survivors and families of victims and proper documentation of the crimes committed.

Under the framework of the ICTR, three fugitives remain to be arrested and brought to the Residual Mechanism. We strongly urge all States, and those of the Great Lakes region in particular, to intensify their efforts to ensure the arrest of the remaining fugitives.

The Nordic countries wish to emphasize the important task of ensuring the successful transition of cases to national jurisdictions, both from the ICTY to Bosnia and Herzegovina, Serbia and Croatia, and from the ICTY to Rwanda. Such referrals help to strengthen the capacity of those jurisdictions to prosecute violations of international law and to reinforce the rule of law in the States concerned. It is also important to give more attention to ensuring that victims receive effective reparation for their suffering.

Having a firm belief in the importance of justice for ensuring lasting peace, we would like underline the need for continued capacity-building and support to national jurisdictions both in the former Yugoslavia and in Rwanda.

The President: I now give the floor to the observer of the European Union.

Mr. Marhic (European Union): I have the honour to speak on behalf of the European Union (EU) and its member States. The candidate countries the

former Yugoslav Republic of Macedonia, Montenegro and Iceland; the countries of the Stabilization and Association Process and potential candidates Albania and Bosnia and Herzegovina; as well as Ukraine, the Republic of Moldova and Armenia, align themselves with this statement.

The European Union and its member States reaffirm their unwavering support for the work of the International Criminal Tribunal for Rwanda (ICTR) and the International Criminal Tribunal for the Former Yugoslavia (ICTY). We support the process of the establishment of the International Residual Mechanism for Criminal Tribunals for both Tribunals, pursuant to Security Council resolution 1966 (2010), in order to preserve their important achievements and legacy. We therefore welcome the launch, on 1 July, of the ICTY branch of the Residual Mechanism and acknowledge the successful first year of functioning of the Arusha branch.

We praise both Tribunals as well as both branches of the Mechanism for their achievements and invaluable contributions to our shared goal of ending impunity for serious international crimes. The European Union and its member States thank both President Meron and President Joensen for their reports and commend them for their efforts in completing the work of the Tribunals. We also pay special tribute to the work of all the staff of the Tribunals and the Mechanism. It is important that both Tribunals get the support necessary to complete their mandates.

The Tribunals have played a key role in strengthening the rule of law and promoting long-term stability and reconciliation. Since their establishment, both Tribunals have embodied the need to fight impunity, and the refusal by the international community to let the perpetrators of the most serious crimes of international concern escape justice. They were forerunners in creating jurisprudence that is a source of inspiration for all national and international jurisdictions that are addressing and will have to address such crimes.

Both Tribunals have begun to hand over responsibilities to the International Residual Mechanism for Criminal Tribunals. We recall in that regard the importance of a smooth transition process in order for both branches of the Mechanism to carry on and protect the work of both Tribunals.

We note the challenges faced by both Tribunals in relation to staff retention and the loss of experienced staff members. We note with satisfaction the efforts of the inter-State assistance mechanism, Justice Rapid Response, in ensuring that the very valuable expertise and experience in international criminal justice of current and former employees of both Tribunals remains at the disposal of all States and international courts and tribunals.

In parallel, we encourage the Tribunals to continue to effectively prioritize their resources, while ensuring that remaining trials and appeals remain on track.

We recall that States' responsibility to cooperate with the Tribunals and the Residual Mechanism remains crucial for their ability to complete their mandate, in particular in bringing those indicted to justice. With respect to the ICTR, we recall that despite continuing appeals by the international community, nine accused individuals remain at large. The failure to arrest those indictees is a matter of grave concern. The EU and its member States note with appreciation that the Prosecutor has intensified efforts to track the three most wanted fugitives and, in that regard, has sought support from regional organizations in Eastern and Southern Africa. We also note that support from INTERPOL, Member States and other international organizations has assisted in narrowing the search for those fugitives. We praise the United States War Crimes Rewards Programme, which constitutes a useful instrument for the apprehension of indicted persons. We call upon all States concerned to intensify their efforts and cooperation with the Tribunal and the Arusha branch of the Residual Mechanism in order to achieve the arrest and surrender of all remaining fugitives.

We note that in the ICTY report (A/68/270), the Office of the Prosecutor acknowledges the assistance it received from the European Union. We will continue to support the Office of the Prosecutor. We also note that the States concerned remain committed to meeting their obligations towards justice, in particular towards the ICTY and The Hague branch of the Residual Mechanism.

Completing the process of rendering justice for crimes committed during the conflicts in the former Yugoslavia is essential for lasting reconciliation. Full cooperation with the ICTY therefore remains an essential condition for the Stabilization and Association Process in the Western Balkans and is an essential condition for membership of the EU. Croatia's accession to the EU is an example in that regard.

The EU and its member States also call upon the Governments concerned to pursue with greater vigour domestic investigation and prosecution of war crimes. We welcome the signing of the Protocol on Cooperation in Prosecution of Perpetrators of War Crimes, Crimes against Humanity and Genocide between the States concerned in 2013. However, many challenges remain in coordinating the activities of judicial institutions in parts of the region. We therefore continue to urge all States to cooperate with both Tribunals and branches of the Residual Mechanism, in full adherence to their obligations under the relevant Security Council resolutions.

In recognition of strengthened domestic capacity, the Security Council, in its resolutions 1503 (2003) and 1534 (2004), calls on the ICTY and ICTR to transfer all lower- and mid-level accused to competent national jurisdictions for trial by domestic courts.

We welcome the ongoing efforts of Rwanda, in cooperation with international donors, to strengthen the Rwandan legal system and its ability to adjudicate cases from the ICTR. We confirm our commitment to support activities aimed at strengthening the capacity of the Rwandan judiciary. We note with appreciation that the Prosecutor of the ICTR continues to focus on monitoring the referral of cases to national jurisdictions in order to facilitate indictment, trial and judgement before the Rwandan High Court.

We welcome the work of the Tribunals on strengthening the capacity of national authorities to handle the remaining war crime cases effectively. We fully support the training and information exchanges as well as access to publicly available investigating material and evidence from the Tribunals. That is important for the Tribunal's legacy and for the domestic capacity to adjudicate war crimes. In its Stabilization and Association Process for the Western Balkans, the EU is increasingly underlining the importance of local ownership for handling war-crime cases in line with the need to fight impunity.

Finally, we welcome the steps taken by the Tribunals in terms of capacity-building, the dissemination of information and legacy. We recall the importance of the preservation of archives in the transition process to the Mechanism, as they remain an integral part of the history and the memory of both Rwanda and the countries of the former Yugoslavia.

We will continue to support both the principle and system of international criminal justice and its essential role in the reconciliation process, and we call on all States to do the same. It is indeed important that the knowledge gained and lessons learned in the fight against impunity are not forgotten.

Mr. Ahamed (India): I would like to begin by congratulating you, Sir, on assuming the presidency of the General Assembly at its sixty-eighth session, and by reiterating my assurance of the full cooperation and support of the Indian delegation in the Assembly's proceedings.

I thank the Presidents of the International Criminal Tribunal for Rwanda (ICTR), the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Residual Mechanism for Criminal Tribunals for their reports (A/68/270, A/68/255 and A/68/219) and put on record our appreciation for their work. We commend the efforts of the two Prosecutors in undertaking outreach initiatives, including training, aimed at strengthening the capacity of the national systems to handle the referred cases effectively.

We are glad to note that both branches of the Mechanism are now operational, with that of the ICTR in Arusha commencing its functions on 1 July 2012 and that of the ICTY in The Hague launched on 1 July 2013. That should ensure a smooth transition in the Tribunals' pending work to the Mechanism. The Security Council's establishment of the Mechanism, on 22 December 2010, through resolution 1966 (2010), was a key step in the two Tribunals' completion strategies, as the Mechanism is mandated to perform a number of essential functions previously carried out by the Tribunals, including securing the arrest, transfer and prosecution of the fugitives still at large.

It is worth mentioning that in the past year the Arusha branch of the Mechanism conducted a number of judicial proceedings and performed functions ranging from protecting witnesses to responding to requests for assistance from national jurisdictions. We are confident that the Mechanism will successfully build on the work of its predecessors in accordance with its mandate, and thus complete its pending judicial work in an efficient and timely manner, without compromising the right of any to a fair trial. The efforts to relocate persons acquitted by the Tribunals and those convicted who have completed their sentences and been released are

significant in humanitarian terms and with regard to reconciliation and should be accorded priority.

The aim of the international community in setting up international criminal courts and tribunals was to punish the guilty and end impunity. However, trials through such courts do not always have the desired impact on the affected communities in terms of healing and reconciliation. When such trials are conducted by foreign judicial systems or tribunals, with little or no connection to the perpetrators, victims or offences, they are invariably decoupled from the political, social and economic context of the affected country and its people.

While the Tribunals have played an important role in promoting accountability and ending impunity, it remains crucial to strengthen national judicial systems so that they may prosecute serious crimes, since States have the primary responsibility for prosecuting such crimes committed on their territory or by their nationals. Therefore, creating effective national legal and judicial institutions that uphold the rule of law is essential, and it is imperative that the international community continue to promote the strengthening of national criminal justice systems by building the capacities of national investigative, prosecutorial and judicial agencies. In that regard, the ICTR's referral of six cases to the Rwandan authorities for trial is significant.

International criminal justice has also been criticized for its selectivity. In order to ensure the credibility of the system, selective and discriminatory approaches should be shunned and the role of political organizations minimized for consistent application of the law.

Ms. Čolaković (Bosnia and Herzegovina): We would like to thank the Secretary-General for transmitting the twentieth annual report of the International Criminal Tribunal for the Former Yugoslavia (ICTY) (A/68/255) and the eighteenth annual report of the International Criminal Tribunal for Rwanda (ICTR) (A/68/270) to the Security Council and to the General Assembly. We would also like to thank the Tribunal staff for all their efforts and commitment to successfully completing their mandates.

The establishment of an ad hoc criminal tribunal for the former Yugoslavia as a legal framework for ensuring accountability and ending a tragic period for those living in Bosnia and Herzegovina sent a clear message that the crimes committed in the former Yugoslavia should be punished consistently and without exceptions. The same can be said of the ICTR. The latest annual reports show that the Tribunals have remained focused on the completion of all trials and appeals.

We commend the valuable assistance and coordination of the Secretariat's Office of Legal Affairs and the Security Council's Informal Working Group on International Tribunals in ensuring the smooth transition of the Tribunal's functions to the International Residual Mechanism for Criminal Tribunals. We welcome the fact that various measures have been taken to ensure that the Tribunal operates as efficiently as possible while preserving a high level of procedural fairness. We also acknowledge that significant efforts have been made to coordinate activities with the Security Council so as to ensure that the Tribunal is assigned its full complement of judges, in order to address any potential delays caused by the Appeals Chamber's increased workload.

We should underline that Bosnia and Herzegovina's authorities continue to respond promptly and adequately to most of the requests of the Office of the Prosecutor for documents, as well as for access to Government archives. Our authorities also continue to provide valuable assistance in witness-protection matters and in facilitating witnesses' appearances before the Tribunal.

We would like to reiterate that since the end of the war, Bosnia and Herzegovina has cooperated constantly and constructively with the prosecution in The Hague and the Tribunal. Those cooperation efforts have been positively assessed in the periodic reports and are noted in the current annual report. We have taken note of all the other concerns raised by the Prosecutor and are fully aware that a lot remains to be done.

I wish to remind the Assembly that Bosnia and Herzegovina bears the greatest burden of prosecutions for war crimes. However, since 2005, when Bosnia and Herzegovina's court became fully operational, measurable progress has been made in prosecuting war crimes, and more than 200 cases have been successfully concluded. Nevertheless, according to the relevant statistics of domestic and international stakeholders, a large number of war crimes remain to be prosecuted in the domestic courts. We are also aware of the fact that the implementation of our national war crimes strategy needs an improved approach if it is to meet the deadlines the strategy has set. Stronger efforts must be

made to effectively increase the pace of the overall case proceedings at both the State and entity levels.

Mr. Tommo Monthe (Cameroon), Vice-President, took the Chair.

As the Tribunals steadily head towards their closure, the duty of continuing the fight against impunity and enhancing the reach of justice remains with the credible national prosecutors. To that end, our common goal remains the investigation and prosecution of all crimes committed and the appropriate punishment of the perpetrators. Regional cooperation plays an important role in that regard. We are therefore certain that the protocol on the exchange of evidence and information on war crimes, signed between the prosecutors' offices of Bosnia and Herzegovina, Serbia and Croatia, is serving as an impetus in strengthening communication and further enhancing coordination. We remain dedicated to further promoting and intensifying regional cooperation, considering that it is in the joint interests of the countries of the region as well.

Mr. Zagaynov (Russian Federation) (*spoke in Russian*): We would first like to congratulate the President of the International Criminal Tribunal for the Former Yugoslavia (ICTY), Mr. Theodor Meron, on his re-election to the post. We would like to hope that all the efforts expended on the elections will not be in vain, and that the ICTY, under Mr. Meron's leadership, will still be able to reach its final closure with results acceptable to all States.

The ICTY's speedy closure, as we understand it, will be facilitated by the forthcoming election of a sixteenth judge to be assigned to the Appeals Chamber of the two Tribunals, a process that was launched at Mr. Meron's request. The election has unexpectedly excited heightened interest among States. So many candidates have been proposed that there would be problems listing them all on the ballot. Fortunately, after the news of Mr. Meron's successful re-election reached New York, the objections to our compromise version — which had not been immediately supported — for presenting all six candidates to the Assembly were removed. We await the results of the voting in the General Assembly with interest.

We thank the leaders of the ICTY and the International Criminal Tribunal for Rwanda (ICTR) for their presentation of the annual reports on their activities (A/68/255 and A/68/270). On the whole, regarding the information presented in the June reports to the Security Council (S/2013/308 and S/2013/310), the situation in the Tribunals has not significantly changed. The parameters for the ICTY's timetable for the completion of its work, established by Security Council resolution 1966 (2010), remain the same. We regret the fact that in this situation, the leadership of the ICTY, despite opportunities, essentially rejected using a technical decision to enable it to refer the *Prlić et al.* case to the International Residual Mechanism for Criminal Tribunals.

What can be said in its favour is that the ICTY's situation has at least not deteriorated since the June report to the Security Council. The same cannot be said of the Rwanda Tribunal, which, despite having the necessary resources, confirmed the information in the report about delays in the *Butare* case that exceed the limits laid down in resolution 1966 (2010). Unfortunately, it appears that we will not be able to avoid investigating this situation within the Security Council.

At the same time, however, we should not neglect to mention the positive progress made in the work of the ICTY regarding its handling of anti-Serbian accusations. We refer to the recent decisions in the case of *Stanišić and Simatović* in Trial Chamber I and in the case of *Prosecutor v. Momčilo Perišić* in the Appeals Chamber.

In conclusion, we would like to highlight the significant role played by the States of the two regions involved, as well as other States, through their support for the Tribunals and the Residual Mechanism. In that connection, we commend the high level of cooperation shown by Serbia with the ICTY and by Rwanda with the ICTR.

Mr. Pope (United States of America): The United States wishes to thank President Joensen of the International Criminal Tribunal for Rwanda (ICTR) and President Meron of the International Criminal Tribunal for the Former Yugoslavia (ICTY) for their reports. They have provided exemplary leadership in the cause of international justice, and we salute their long and distinguished careers as jurists and global public servants.

This year marks the twentieth anniversary of the creation of the ICTY. As we all recall, that Tribunal and, subsequently, the ICTR, were set up in response to the horrors committed in Rwanda and Yugoslavia in the 1990s, when the slaughter of hundreds of thousands

led to a wave of international revulsion and cries for justice. The ICTR and ICTY were founded on the idea that those responsible for mass atrocities, no matter what their rank or official position, must be brought to justice. Once they were fully up and running, the Tribunals began thoroughly addressing serious issues of international justice.

To date, the two courts have tried more than 200 defendants accused of heinous crimes, including top military and political leaders. The Tribunals have operated on the principles of fairness, impartiality and independence. They have also built up a robust body of international humanitarian law.

With the historic work of the Tribunals now nearing completion, the United States heartily commends the efforts of the Presidents of both bodies to enact cost-saving managerial and administrative measures and to transfer the Tribunals' remaining functions to the International Residual Mechanism for Criminal Tribunals. At the same time, we recognize that the exact closure dates will depend on the completion of ongoing and soon-to-begin trials and appeals.

Turning to the ICTY, we note that the Tribunal is continuing to focus on the completion of all trials and appeals, having rendered 13 trial, appellate and contempt judgements between August 2012 and July 2013. We are pleased that The Hague branch of the Mechanism began operating in July. We also salute the continuing work of the ICTY to build capacity among judges, prosecutors and defence counsels in the former Yugoslavia. The United States urges all the Governments in the region to continue to work towards reconciliation, while avoiding statements that inflame tensions, and to continue to bring accused war criminals to justice in local courts.

With regard to the ICTR, we note with satisfaction that the Tribunal has wrapped up its workload of trials and is continuing to complete appeals, hopefully by 2015. The Mechanism in Arusha opened in 2012 and is operating smoothly. The United States urges regional Governments to work with the Tribunal on the relocation of several persons who have served their sentences but are unable to return to Rwanda. We call upon all States to cooperate with the ICTR in apprehending all remaining fugitives and bringing those accused mass murderers to trial.

The United States remains committed to working with the United Nations and the international community to help protect populations from mass atrocities, through tribunals and all other institutions and initiatives at our disposal.

Mr. Rosenthal (Guatemala) (*spoke in Spanish*): I thank the President of the International Criminal Tribunal for the Former Yugoslavia, Judge Meron, and the President of the International Criminal Tribunal for Rwanda, Judge Joensen, for their comprehensive briefings. Their briefings, along with the annual reports of the Tribunals before us (A/68/270 and A/68/255), reflect the achievements and tenacious efforts undertaken by both Tribunals to successfully complete their mandates.

I would first of all like to take this opportunity to express our firm support for the International Tribunals, as well as for the International Residual Mechanism for Criminal Tribunals. We urge Member States to maintain their support for all three institutions. The Tribunals deserve a positive assessment on several counts.

First, the Tribunals have fulfilled a dissuasive function by identifying and punishing those guilty of the gravest crimes. But they have also had preventive function, inasmuch as the possibility of being tried served to discourage others from committing new crimes.

Secondly, the Tribunals have served an emblematic function by reflecting a decisive step forward in the commitment of the international community to ensure respect for international humanitarian law, as by establishing the fact that certain crimes are so serious that they constitute an offence against humanity itself and should not go unpunished.

Thirdly, the Tribunals were the principal inspiration for the establishment, in 1998, of the International Criminal Court, which has changed the parameters in the search for peace based on the understanding that enduring peace requires justice. The Security Council has also contributed to promoting accountability, peace and justice by addressing other situations through tribunals assisted by the United Nations, such as the Special Tribunal for Lebanon and the Special Court for Sierra Leone.

Fourthly, the fact that justice has been delivered by an independent institution has contributed to the identification and punishment of the guilty and to the clarification of the historical truth by exposing evidence of the crimes committed. Knowledge of the facts and

overcoming the sense of impunity are necessary bases for possible reconciliation.

In that spirit, this year we celebrate the twentieth anniversary of the adoption of Security Council resolution 827 (1993), adopted unanimously, which established the International Tribunal for the Former Yugoslavia. Twenty years after the establishment of that Tribunal, we acknowledge its considerable accomplishments and progress in developing international jurisprudence, in obtaining justice for victims, in capturing all fugitives and in bringing to justice those primarily responsible for the gravest violations of human rights, irrespective of their rank. The Tribunal has contributed to strengthening national systems by working closely with local authorities.

With respect to the International Criminal Tribunal for Rwanda, we welcome the fact that it has completed all its legal work and met all its deadlines for appeals, and that it has proceeded with the transfer of cases to Rwanda. It is of fundamental importance to assist the tribunals in finishing their work within the stipulated deadlines. We listened attentively to the concerns expressed by the Presidents of both Tribunals with respect to their ability to keep up the pace of their work while also meeting the deadlines set for its conclusion. The judges expressed the view that the lack of personnel and the loss of highly efficient members of their staffs had affected trials and appeals. We share their concerns, especially with respect to the need to have adequate, experienced staff. The judges also raised the issue of relocating those who have been absolved of their crimes as well as those who have already served their sentences. Some of them have been living in safe houses in Arusha for the past six years. That is an important humanitarian matter that deserves careful consideration. For that reason, we support the strategic relocation plan that was recently presented to the Informal Working Group on International Tribunals, which we are honoured to chair. We urge Member States, in particular the members of the Security Council able to do so, to help resolve that persistent problem, and we congratulate those that have already increased their cooperation with the Tribunal in that regard.

We note with satisfaction the progress achieved in the implementation of the International Residual Mechanism for Criminal Tribunals. We welcome the fact that both Tribunals have worked together to ensure a gradual, effective transition towards the Residual Mechanism. We note the progress with regard to the Mechanism, as noted in document A/68/219.

In conclusion, we consider it important to preserve the legacy of the Tribunals. As the work of the two Tribunals nears completion, there is no doubt — and we say this with conviction as Chair of the Informal Working Group on International Tribunals of the Security Council — that they have laid a solid foundation for international peace and justice through their development and implementation of international criminal law.

Mr. Starčević (Serbia): Let me begin by welcoming the President of the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Residual Mechanism for Criminal Tribunals, Judge Theodor Meron, and the President of the International Criminal Tribunal for Rwanda, Judge Vagn Joensen. I thank them for their presentations of the annual reports of the two Tribunals (A/68/270 and A/68/255), as well as for the presentation of the first annual report of the International Residual Mechanism for Criminal Tribunals (A/68/219).

The Republic of Serbia welcomes the commencement of the work of both branches of the International Residual Mechanism for Criminal Tribunals and commends the steps taken to ensure a smooth handover of functions. My country has placed continued and undivided importance on cooperating with the ICTY and will continue to do so also with respect to the International Residual Mechanism.

Let me recall that, in July 2011, the Republic of Serbia completed its cooperation with respect to all indictees whose transfer had been requested by the Tribunal. We are fully committed to cooperation in the area of access to documentation, archives and witnesses. My country has refused no access request by either the ICTY Prosecutor or defence teams, and all witnesses for whom waivers had been requested were granted the waivers, which made it possible for them to testify before the Tribunal. We note with satisfaction that the results of that cooperation have been assessed as positive.

At the same time, 399 persons have been tried so far in the courts of the Republic of Serbia for criminal offences committed against international humanitarian law. The Republic of Serbia therefore showed not only a firm commitment to compiying with its international obligations, including the punishment of those

responsible for committing crimes, irrespective of their ethnicity, but also to establishing the whole truth about the crimes committed during the armed conflicts in the territory of the former Socialist Federal Republic of Yugoslavia, as we are convinced of the importance of making a contribution to establishing justice and the process of regional reconciliation. In that respect, my country has shown its readiness to accept its own nationals, as well as other willing persons tried by the ICTY, to serve their sentences in Serbia. We are also ready to provide full security guarantees regarding the locations in which those sentences would be served.

Let me recall that, on 20 January 2011, the Republic of Serbia signed an agreement with the International Criminal Court on the enforcement of its sentences. Under the agreement, persons sentenced before the Court for the commission of war crimes, crimes against humanity and genocide may serve their sentences of imprisonment in the Republic of Serbia. It is stressed that Serbia is the first country in Eastern Europe to sign such an agreement with the International Criminal Court.

Taking into account that the purpose of punishment also includes the re-socialization of the sentenced persons, my country is of the opinion that this goal can hardly be achieved if those persons serve their sentences in countries whose languages they do not speak or understand, whereby additional impediments to their communication with the environment are created. Also, it should be noted that most of the countries in which the sentences are served are geographically far from Serbia, which makes relatives' visits much more difficult and sometimes impossible.

Since 2009, the Republic of Serbia has insisted on signing an agreement on the enforcement of sentences, and has actively endeavoured to have those sentenced by the Tribunal serve their sentences in their own countries. Regrettably, however, no breakthrough of any significance has been made in that regard. We consider that the main reason for the stalemate is the fact that the countries that emerged in the territory of the former Yugoslavia are not in a position to conclude agreements with the Tribunal on the enforcement of sentences, although the President of ICTY has emphasized on various occasions that efforts should continue to be made to sign agreements in sufficient numbers to enable the mandate of the ICTY to be completed successfully. We believe that the recommendation of the Secretary-General to the Security Council from May 1993 to the effect that the enforcement of sentences should take place outside the territory of the former Yugoslavia may have been valid two decades ago, but it has been evident for a long period that this is no longer the case.

Let me conclude by saying that by fulfilling its obligations with respect to its cooperation with the ICTY, as well as by trying war crimes in domestic courts with the highest professional standards, the Republic of Serbia has made a significant contribution to the Tribunal's completion strategy, as well as to the process of the normalization of relations among the countries of the region. All the results of my country's years of cooperation with the Tribunal indicate the Republic of Serbia's seriousness and its readiness to accept international supervision of the serving of sentences and to provide firm guarantees that the sentenced persons will not be paroled without the requisite decisions of the ICTY, the International Residual Mechanism or some other organ or body of the United Nations to be charged with those issues in the future.

Mr. Manongi (United Republic of Tanzania): At the outset, let me join previous speakers in thanking Judge Theodor Meron, President of the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Residual Mechanism for Criminal Tribunals, and Judge Vagn Joensen, President of the International Criminal Tribunal for Rwanda (ICTR). We note with gratitude the progress made in the activities of the ICTR and ICTY, and the first annual report of the International Residual Mechanism for Criminal Tribunals (A/68/219), during the period under review.

Tanzania reaffirms its unwavering support for the work of the ICTR and the ICTY. Both Tribunals have continued to make invaluable contributions to our shared goal of ending impunity for the most serious crimes of international concern and have been instrumental in bringing about a new age of accountability.

The achievement of the Tribunals represent a milestone in the development of international criminal jurisprudence. We therefore pay tribute to the United Nations, its dedicated staff and the officials of the Tribunals, the Governments of Rwanda and the Former Yugoslavia and the international community as a whole.

We welcome the steady progress that the Tribunals have made during the reporting period towards the completion of their mandates. We are encouraged by the efforts that the Tribunals have made to ensure a smooth transition to the Residual Mechanism. We note

with appreciation that the trials of the ICTR have been concluded in an efficient and timely manner without compromising fair-trial rights. We are confident that the ongoing appeals, including those under the Residual Mechanism, will enjoy similar rights and privileges.

Acquitted and released persons are still in the care of the ICTR detention facility in Tanzania and need to be relocated. We reiterate our call for urgent action to find host countries for the acquitted persons who remain in Arusha under the Tribunal's protection, as well as for the convicted persons who are still in the care of the ICTR detention facility in Arusha. We therefore encourage the Residual Mechanism to pursue, as a matter of priority, agreements with additional Member States for the enforcement of sentences. We call on States to continue to cooperate with and support both Tribunals as well as the Residual Mechanism in tracking and in apprehending the remaining fugitives so that they may finally be brought to justice.

My delegation is concerned that, as the Tribunals are in the final process of concluding their work, further staff attrition continues to impede the timely achievement of the goals of their completion strategies. We support the call to the Secretariat and other relevant United Nations bodies to find practical solutions to address the staffing situation and make it possible for the Tribunals to complete their work in a timely manner.

We welcome the transfer of cases to Rwandan domestic courts for prosecution. We note with appreciation that the Tribunals have continued to further develop their interaction with the authorities of Rwanda and the States of the former Yugoslavia to encourage cooperation with the Tribunals and support domestic war-crimes prosecutions. We hope to see those efforts being further enhanced in support of the Mechanism's mandate.

The establishment of the International Residual Mechanism for Criminal Tribunals is significant to the continued protection of the rights of victims, witnesses and persons tried by the ICTR and ICTY and to maintaining the legacy of the Tribunals. Allow me to commend the practical arrangements made by the Secretary-General pursuant to Security Council resolution 1966 (2010) in ensuring that the operations of the Mechanism begin. We are pleased that the transition from the ICTR to the Arusha branch of the Mechanism has been successful. We note that the inauguration of the operationalization of the ICTY branch of the Residual Mechanism as of 1 July. We welcome those developments and see them as an important step in the next phase of the work and, indeed, legacy of the Tribunal.

Mr. Estremé (Argentina) (*spoke in Spanish*): Argentina is particularly appreciative of the presence here today of Judges Meron and Joensen, as well as of the presentation of the reports of the two Tribunals (A/68/255 and A/68/270) and on the work of the International Residual Mechanism for Criminal Tribunals (A/68/219).

My country is a member of the Security Council, and as such we have had an opportunity to receive information in advance of those reports. We welcome the fact that the General Assembly is considering them today because, as the Council meeting on 12 June revealed (see S/PV.6977), all the Members of the Organization are interested in the work of the Tribunals and the Mechanism. Today's debate is of particular relevance because this year marks the twentieth anniversary of the establishment of the International Criminal Tribunal for the Former Yugoslavia.

We welcome the progress reported with regard to the International Criminal Tribunal for the Former Yugoslavia, in particular that during the reporting period judgements were rendered in the first instance in five cases, four appeals and three cases guilty of contempt of court. We acknowledge the effort it represents for the Tribunals to adjust their work to the deadlines and time frames being contemplated against the backdrop of staff reductions, including translators. With regard to the Tribunal for the Former Yugoslavia, we are pleased that the Security Council has agreed on a mechanism to elect an additional judge for the Appeals Chamber, as requested by the President of the Tribunal. Argentina supported that request in the Council and we trust that, with the elections to be held shortly, the Tribunal will soon have an additional judge.

My country welcomes the information concerning the International Criminal Tribunal for Rwanda and the meeting of the deadlines and forecasts with regard to cases at the trial and appeals stages. We also welcome the fact that transition to the Residual Mechanism continues in line with those time frames, including the delivery of the archives to the Mechanism by the end of 2014.

We highlight the importance of the appeal in the *Ngirabatware* case, which will be the first one resolved by the Mechanism. We also underscore the importance

of arresting the three remaining fugitives and the fact that Security Council resolution 955 (1994) establishes the obligation of all States to fully cooperate with the Tribunal. Cooperation with the Tribunal is also important when it comes to relocating the seven people found not guilty and the three who have already completed their sentences. With regard to the Residual Mechanism, we acknowledge the progress in its becoming fully operational, as well as the fact that the Arusha branch has been operational since July 2012.

We also wish to highlight the opening of The Hague branch, on 1 July. That branch carries functions with respect to the Tribunal for the Former Yugoslavia in the manner that the Arusha branch does in connection with the Rwanda Tribunal. Argentina commends the Mechanism's work with regard to monitoring Tribunal cases sent to Rwandan national courts, as well as the attention given to ensuring continuity between the Tribunals and the Mechanism, which is necessary to ensuring due process at this time of transition.

Security Council resolution 827 (1993) marked a milestone because, five decades after the Nuremberg trials, it expressed the premise that impunity for serious crimes was unacceptable. It also reflected the commitment of the Security Council — and, along with it, of the entire Organization — to accountability. Twenty years after the establishment of the International Criminal Tribunal for the Former Yugoslavia, the international community should acknowledge the progress made in combating impunity thanks to both Tribunals. The Tribunals have made important normative contributions to the development of international law. They have blazed a trail on which there is no turning back — with regard to accountability as well when it comes to the fact that the international community has already acknowledged that there can be no lasting peace without justice. That legacy has been definitively shaped by the establishment of the permanent International Criminal Court, which today serves as the central point of the criminal justice for the entire international community.

It is not amnesty, be it de jure or de facto, that helps the victims of heinous crimes. Rather it is ensuring that justice is rendered by impartial and independent courts. Argentina once again expresses its support for the work of the International Crimininal Tribunal for Rwanda and the International Criminal Tribunal for the Former Yugoslavia. On this twentieth anniversary of the Tribunal for the Former Yugoslavia, we pay tribute to the Tribunal's outstanding contribution to combating impunity.

The Acting President: We have heard the last speaker in the debate on the agenda items before us.

May I take it that it is the wish of the General Assembly to take note of the eighteenth annual report of the International Criminal Tribunal for Rwanda (A/68/270)?

It was so decided.

The Acting President: May I also take it that it is the wish of the Assembly to take note of the twentieth annual report of the International Criminal Tribunal for the Former Yugoslavia (A/68/255)?

It was so decided.

The Acting President: May I take it that it is the wish of the Assembly to take note of the first annual report of the International Residual Mechanism for Criminal Tribunals (A/68/219)?

It was so decided.

The Acting President: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda items 73, 74 and 130?

It was so decided.

The meeting rose at 11.45 a.m.